

REMARKS

Claims 1-22 were originally filed in the present application.

Claims 1-22 have been rejected.

Claims 5, 9, 16 and 20 have been canceled.

Claims 1, 3, 6, 7, 10, 12-14, 17, 18 and 21 have been amended.

New Claims 23-26 have been added.

Claims 1-4, 6-8, 10-15, 17-19 and 21-26 remain in the application.

Reconsideration of Claims 1-26 is respectfully requested in view of the following arguments.

In Sections 1 and 2 of the October 15, 2004 Office Action, the Examiner rejected Claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,625,455 to *Ariga* (hereafter, "*Ariga*") in view of United States Patent No. 6,141,560 to *Gillig et al.* (hereafter, "*Gillig*"). The Applicants respectfully traverse the rejection.

The Applicants have amended independent Claim 1 to recite limitations formerly recited in cancelled Claim 5. Independent Claims 3, 7, 12, 14 and 18 have been amended to recite analogous limitations. The Applicants direct the Examiner's attention to amended Claim 1, which contains the unique and novel limitations emphasized below:

1. For use in a wireless communications system, a system for automatically customizing operation of a wireless device comprising:
a small area transmitter supporting wireless connectivity with wireless devices and a behavior service defining behavior of wireless devices within a service area for the small area transmitter,
wherein a wireless device,
upon detecting the behavior service upon entering the service area,
automatically sets operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences, and

upon detecting unavailability of the behavior service following previous availability of the behavior service, automatically restores operation of the wireless device to a state existing prior to automatic setting of the operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences.

The Applicants respectfully submit that the above-emphasized limitations of Claim 1 are not disclosed, suggested, or even hinted at in the *Ariga* reference or the *Gillig* reference.

In rejecting Claim 5, the Office Action asserts that the *Ariga* reference describes the above-emphasized limitations of Claim 1, citing Figure 1B and column 3, line 64, through column 4, line 15. The Applicants respectfully assert that the Office Action mischaracterizes the teaching of the *Ariga* reference.

The *Ariga* reference describes a portable telephone system wherein a portable telephone entering a building is instructed by a simple base station device to turn its power off. *See Ariga, col. 3, lines 39-54.* When the portable telephone goes out of the building, the simple base station device instructs it to turn its power on. *See Ariga, col. 3, line 64, through col. 4, line 7.* However, the *Ariga* reference further describes that the simple base station device “is installed such that a radio wave can only reach an area in the vicinity of the entrance by using particular small power [and] always supplies a power ON/OFF request signal.” *Ariga, col. 4, lines 22-26.* The simple base station device is also described as operating only upon the boundary of an area of prohibited portable telephone use at column 6, lines 5-8. Further, only a single command value (01h) is sent, which is interpreted by the portable telephone as a ‘power off’ command when entering the building in a powered-on

condition, and as a 'power on' command when going out of the building in a powered-off condition.

See Ariga, Figure 4, col. 5, lines 4-10.

Thus, the *Ariga* reference actually describes a system in which a portable telephone enters the service area of a low power base station near the entrance of a building and receives a command from the base station, causing it to toggle its power on or off. The portable telephone then leaves the service area, remaining powered on or powered off until it re-enters the service area. As such, the *Ariga* reference does not teach a system in which a wireless device automatically restores its prior state upon detecting the unavailability of a behavior service, as recited in amended independent Claims 1, 3, 7, 12, 14 and 18. Nor does the *Gillig* reference overcome this shortcoming.

Thus, amended independent Claims 1, 3, 7, 12, 14 and 18 contain unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in either the *Ariga* reference or the *Gillig* reference, or in the combination of the *Ariga* and *Gillig* references. This being the case, Claims 1, 3, 7, 12, 14 and 18 are patentable over the *Ariga* and *Gillig* references.

Also, dependent Claims 2, 4, 6, 8, 10, 11, 13, 15, 17, 19 and 21-26 depend from independent Claims 1, 3, 7, 12, 14 and 18, directly or indirectly, and contain all of the unique and non-obvious limitations recited in the base claims. As such, Claims 2, 4, 6, 8, 10, 11, 13, 15, 17, 19 and 21-26 also are patentable over the *Ariga* and *Gillig* references. Thus, the Applicants respectfully request the withdrawal of the §103 rejection of Claims 1-4, 6-8, 10-15, 17-19, 21 and 22.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

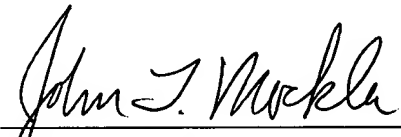
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 12 Jan. 2005

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